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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,740	10/13/2005	Thomas Ahrndt	2002P09336WOUS	9892

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Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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TAHA, SHAQ

ART UNIT	PAPER NUMBER
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2446

MAIL DATE	DELIVERY MODE
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02/03/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/530,740	<b>Applicant(s)</b> AHRNDT, THOMAS	
	<b>Examiner</b> SHAQ TAHA	<b>Art Unit</b> 2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16 - 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16 - 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/08/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/07/2008</u> .  | 6) <input type="checkbox"/> Other: _____                          |



### **DETAILED ACTION**

This is a final action for application number 10/530,740 based on after non-final filed on 11/11/2008. The original application was filed on 04/08/2005. Claims 16 – 34 are currently pending and have been considered below. Claims 1 – 15 were cancelled. Claims 16 and 29 are independent claims. Claims 16 and 29 are amended.

### **Applicant's Response**

Applicant's arguments filed in the amendment filed 11/11/08, have been fully considered but they are not persuasive. The reasons are set forth below

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16 - 19, 23 – 31, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balfanz et al. (US 2004/0107366), in view of Komine et al. (US 7,281,027)

Regarding claims 16 and 29, a device for controlling an authentication in a telecommunications device, comprising: a subscriber terminal device in a customer

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premises equipment, **[Fig. 1, Ref # 125, wherein the member device communicates over the network 109 over a network connection 127, (Balfanz et al., Paragraph 43),**

comprising a modem configured to interface with telecommunications network, **[The provisioning device 801 can have additional functionality such as a switch, router, DSL or cable modem, firewall, VPN client or terminator, and a credential issuing authority, (Balfanz et al., Paragraph 117)],**

a connection connecting the subscriber terminal device to a telecommunications central office exchange via an external data transmission interface having a physical data transmission channel and an authentication channel, **[Fig. 1, Ref # 129, wherein The member device 125 can also communicate with the computer 101 over a preferred channel 129 through the network interface 107 or the I/O interface 111, wherein the channel 129 is the physical channel and Ref # 107 is the authentication channel, (Balfanz et al., Paragraph 43, Page 3)],**

a line card providing an internal data transmission interface operatively connected to the customer premises equipment, **[Fig. 1, Ref # 129, wherein The member device 125 can also communicate with the computer 101 over a preferred channel 129 through the network interface 107 or the I/O interface 111, wherein the interface 111 is the internal interface, (Balfanz et al., Paragraph 43, Page 3)],**

and a control unit for monitoring data traffic, **[Fig. 8, Ref # 801, wherein the provisioning device 801 serves as a router, modem, or WAP, the provisioning**

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**device 801 can monitor the traffic passing through the provisioning device 801, (Balfanz et al., Paragraph 124, Page 9)],**

the data traffic selected from the group consisting of traffic on the external data transmission interface, upstream traffic on the internal data transmission interface, and combinations thereof, **[the traffic is from a member device (that is, a device that is authorized to use a secure channel) or from some other unauthorized device, wherein the traffic is from the external or the internal data transmission, (Balfanz et al., Paragraph 124, Page 9)],**

Balfanz et al. fails to teach controlling logon and logoff procedures in the authentication channel based on the monitored data traffic,

Komine et al. teaches an account authentication means including a user account management table for managing user account information and managing logon/logoff state information indicating a logged-on/logged-off state of the server application, **(Komine et al., Col. 9, Lines 38-45)**, to provide services and to a network monitoring system for performing distributed processing to monitor a network, **(Komine et al., Col. 1, Lines 12-16)**,

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Balfanz et al. by controlling logon and logoff procedures in the authentication channel based on the monitored data traffic, wherein Komine et al. teaches an account authentication means including a user account management table for managing user account information and managing logon/logoff state information indicating a logged-on/logged-off state of the server application, **(Komine et al., Col. 9,**

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**Lines 38-45)**, to provide services and to a network monitoring system for performing distributed processing to monitor a network, **(Komine et al., Col. 1, Lines 12-16)**.

Regarding claims 17 and 30, the device according to claim 16, wherein the control unit monitors the data traffic for a duration of time, **[Fig. 8, Ref # 801, wherein the provisioning device 801 serves as a router, modem, or WAP, the provisioning device 801 can monitor the traffic passing through the provisioning device 801 for a duration of time, (Balfanz et al., Paragraph 124, Page 9)]**.

Regarding claim 18, the device according to claim 17, wherein the logoff procedure is carried out in the authentication channel if data or the data traffic is not detected within the duration of time, **[clients and authentication servers authenticate each other and secure their communications using Transport Layer Security, (Balfanz et al., Paragraph 18, Page 1)]**.

Regarding claims 19 and 31, the device according to claim 16, wherein the data traffic on the external data transmission is monitored in a downstream direction, **[Fig. 8, Ref # 801, wherein the provisioning device 801 serves as a router, modem, or WAP, the provisioning device 801 can monitor the traffic passing through the provisioning device 801, wherein the direction of the data is downstream, (Balfanz et al., Paragraph 124, Page 9)]**.

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Regarding claim 23, the device according to claim 16, wherein the authentication channel has an authentication protocol embodied in accordance with a point-to-point protocol, **[Fig. 8 illustrates a wireless access point secure credential infrastructure system 800 that uses a provisioning device 801 that is also configured as a wireless access point (WAP) for providing electronic signals, (Balfanz et al., Paragraph 116, Page 8)].**

Regarding claim 24, the device according to claim 16, wherein the authentication channel has an authentication protocol embodied in accordance with a point-to-point over Ethernet protocol, **[the enrollment port 1209 can also be a telephone or Ethernet jack such that the resident alert device 1201 can be provisioned from a known telephone number or internet address, (Balfanz et al., Paragraph 143, Page 10)].**

Regarding claim 25, the device according to claim 16, wherein the internal data transmission interface is connected to a data processing unit in the customer premises equipment, **[Fig. 1, Ref # 111, wherein interface 111 that can be connected to a user interface device(s) 113, a storage system 115, and a removable-media data device 117, (Balfanz et al., Paragraph 42, Page 3)].**

Regarding claims 26 and 33, the device according to claim 16, wherein the control unit controls the physical data transmission channel based on the monitored



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data traffic, **[Fig. 8, Ref # 801, wherein the provisioning device 801 serves as a router, modem, or WAP, the provisioning device 801 can monitor the traffic passing through the provisioning device 801, (Balfanz et al., Paragraph 124, Page 9)].**

Regarding claims 27 and 34, the device according to claim 16, wherein the data transmission channel of the external data transmission interface is active, **[using audio connection cables 825 between the provisioning device 801 and the prospective member device 821, wherein the cable 825 is active, (Balfanz et al., Paragraph 119, Page 9)].**

Regarding claim 28, the device according to claim 16, wherein internal data transmission interface is within the customer premises equipment, **[Fig. 1, Ref # 129, wherein The member device 125 can also communicate with the computer 101 over a preferred channel 129 through the network interface 107 or the I/O interface 111, wherein the interface 111 is the internal interface, (Balfanz et al., Paragraph 43, Page 3)].**

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Claims 20, 21, 22, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balfanz et al. (US 2004/0107366), in view of Komine et al. (US 7,281,027) and further in view of Humphery et al. (US 2002/00856401).

Regarding claims 20, 21, 22, and 32, The modified Balfanz et al. teaches a secure situation notification devices that can be used to securely receive and present information directed to a specific receiver, **(Balfanz et al., Paragraph 41, Page 3)**,

The modified Balfanz et al. fails to teach that the subscriber terminal device includes an xDSL modem and the external data transmission interface transmits data embodied in accordance with the ITU G.992.1 standard or the ITU G.992.2 standard,

Humphery et al. teaches such non-terminated cables typically exhibit resonance characteristics at xDSL frequencies, **(Humphery et al., Paragraph 52)**, and use of the groups of carriers used in the prior art of G.992.1 and G.992.2 for initialization messages using 8 bit/symbol over 4 carriers (QPSK) downstream direction, **(Humphery et al., Paragraph 60)**, to provide a method of transmitting symbols in a wire line multi-carrier communication system, **(Humphery et al., Paragraph 18)**,

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the modified Balfanz by including an xDSL modem and the external data transmission interface transmits data embodied in accordance with the ITU G.992.1 standard or the ITU G.992.2 standard, wherein Humphery et al. teaches such non-terminated cables typically exhibit resonance characteristics at xDSL frequencies, **(Humphery et al., Paragraph 52)**, and use of the groups of carriers used

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in the prior art of G.992.1 and G.992.2 for initialization messages using 8 bit/symbol over 4 carriers (QPSK) downstream direction, (**Humphery et al., Paragraph 60**), to provide a method of transmitting symbols in a wire line multi-carrier communication system, (**Humphery et al., Paragraph 18**).

### **Response to Arguments**

#### **The Applicant Argues:**

That Balfanz et al. does not teach the preamble of the claimed invention which is a device for controlling an authentication in a telecommunications device.

**In response**, the examiner respectfully submits: Balfanz et al. teaches a secure situation notification devices that can be used to securely receive and present information directed to a specific receiver, (Balfanz et al., Paragraph 41), Balfanz et al. further teaches a process that can be used by a credential issuing device to pre-authenticate a prospective member device over a preferred channel in accordance with one embodiment as shown in Fig. 4, (Balfanz et al., Paragraph 29).

#### **The Applicant Argues:**

That the modified Balfanz et al. in view of Humphery et al. there is a lack of motivation in the art to so combine the references.

**In response**, the examiner respectfully submits: such non-terminated cables typically exhibit resonance characteristics at xDSL frequencies, (Humphery et al.,

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Paragraph 52), and use of the groups of carriers used in the prior art of G.992.1 and G.992.2 for initialization messages using 8 bit/symbol over 4 carriers (QPSK) downstream direction, (Humphery et al., Paragraph 60).

The motivation is to provide a method of transmitting symbols in a wire line multi-carrier communication system, (Humphery et al., Paragraph 18), wherein if the teachings of Humphery are combined with the teachings of the modified Balfanz it will teach the limitations of the present application.

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Shaq Taha** whose telephone number is 571-270-1921. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Pwu** can be reached on 571-272-6798.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free?).

/S. T./

Examiner, Art Unit 2446

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446